UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1.   This action is responsive to request for reconsideration filed January 6, 2010.

2.   Claims 1-3 and 5-47 are pending. Claims 1, 23, 24 and 46 are independent claims.

Response to Amendments

3.   Per Applicants' request, Claims 24, 30-32, 34 and 41 have been amended.

Response to Arguments

4.   Applicants' arguments have been fully considered but are not persuasive. The following is an examiner's response to Applicant's arguments.

Independent Claim 1

<u>Applicants' arguments:</u>

At pp. 18-21 of Applicants' Remarks, Applicants essentially submitted that: 1) the Office action fails to consider the claim element "such that the indication is independent of the buffer space"; and 2) Yap fails to teach: i) a buffer space in the hard disk, and ii) that the visual indication of the amount of available free space is independent of the buffer space.

<u>Examiner's response:</u>

In response to argument in 1), it is respectfully noted that the Office action (OA) did address the aforementioned claim element when the OA ascertained that Yap does not explicitly disclose that the buffer space is in the hard disk. With this statement, the OA recognizes that the buffer space and the hard disk are discrete, distinct and independent components and the disk gas gauges, shown in FIGs. 21a-c, provide indication of available free space on the hard disk, which indication is independent of the buffer space because the buffer space is separate from the hard disk.

Furthermore, it should be noted that it is commonly known that the size of buffer space is predetermined (8 MB, 16, MB, etc.) and is always less than that of a hard disk (e.g., 20 GB, etc.) because the function of the buffer space is to temporarily store

incoming data while the outcoming data is written to the hard disk which operates slower than the buffer space (RAM). Since this data transfer is transparent and irrelevant to a viewer for the assessment of available free space for recording programs which are to be stored on a permanent storage device such as a hard disk, there is no need to be monitor the available free space in a buffer space.

It is respectfully considered that the claim element "such that the indication is independent of the buffer space" is included in the claim to merely avoid the teachings of the prior art because this feature is not believed to be an inventive novelty.

In response to 2) i), it is respectfully noted that the feature of having the buffer space being housed in the hard disk is, as discussed in the OA, deemed obvious because design incentives (or choices) or other market forces (more compact device) could have prompted one of ordinary skill in the art to modify Yap in a predictable manner (maintaining same inputs, same functions and same output results) to result in the claimed invention for compact design purposes. In *Dann v. Johnston,* the Court held that "[t]he gap between the prior art and respondent's system is simply not so great as to render the system nonobvious to one reasonably skilled in the art." Furthermore, Yap suggested that the SDRAM 315 and 335 need not be separate devices and can be consolidated into other memory device ([0254]), e.g., hard disk.

Furthermore, an integrated buffer space integrated in a hard disk is well known in the art because most hard drives today come with a 8 MB or larger drive buffer for the purpose of allowing the hard drive time to write/read data and of increasing the speed of read-operations of frequently accessed data which can be temporarily stored in the buffer.

Dependent Claim 11

Applicants' arguments:

Applicants essentially submitted that FIGs. 21a-b do not show the available free space in units of hard disk space (e.g., MB, GB, etc.) as recited in Claim 11.

Examiner's response:

It is respectfully noted that the claim does not require the units of hard disk space be MB or GB. A broad and reasonable interpretation of units of hard disk can thus be any percent of the entire hard disk space, e.g., 70 percent can be interpreted to mean that 70 units of a total of 100 units are available and one unit can be one MB or GB, etc.

Furthermore, MG or GB may not be meaningful to a viewer as a certain percentage of the amount of storage.

Dependent Claim 13

In response to Applicants' arguments that paragraph [0007] of Yap does not teach or suggest "buffer an analog signal received at a connector from a consumer electronics device, as a digitally compressed media content instance," it is respectfully noted that in view of the commonly known function of a buffer to temporarily store data before the data is being transferred elsewhere, the claimed buffer an analog signal … as a digitally compressed media content instance appears to make no sense because the received signal in the buffer in analog form cannot be output in digital compressed form since the buffer is merely a temporary storage area and does not perform any analog-to-digital conversion and subsequently a data compression. Therefore, the best broad and reasonable interpretation of claim 13 is that the analog signal is being previously demodulated and then presented to a video decoder and an audio decoder as compressed video and audio data. Alternatively stated, the claimed "buffer" is interpreted to mean – receive -- in order for the feature recited in claim 13 to make sense.

Dependent Claim 18

In response to Applicants' arguments that "determine the available free space after subtracting buffer space capacity from total disk space" is not taught in FIG. 21a of Yap, it is respectfully noted that the left portion of the two shown disk gas gauges 521 and 522 can be interpreted to be the space out of the total capacity of a hard disk to be reserved for buffering.

Dependent Claim 22

In response to Applicants' arguments that the cited paragraphs do not disclose, teach, or suggest the feature "free space indication is unaffected by writes to and deletions from the buffer space," it is noted that until the host processor activates the transfer of data from SDRAM 315 to

HDD 320, the data that is accumulating in (e.g., writes to) or flushed from (deletions) SDRAM does not affect in any way the indication of free space in the HDD 320.

Independent Claim 23

Since Applicant's arguments with respect to Claim 23 are similar to those presented in Claims 1, 11 and 22, the same response set forth in these claims is deemed applicable to Claim 23.

Independent Claim 24

Since Applicants' arguments essentially submitted that Yap fails to disclose, teach, or suggest "providing a visual indication of an amount of available free space of the storage device, such that the indication is independent of the buffer space," which is similar to that recited in Claim 1, the same response set forth in Claim 1 is deemed applicable to Claim 24. Furthermore, it is noted that [0254] of Yap indicates that buffer space SDRAM 315 can be consolidated into other memory device. Thus, this can be interpreted that SDRAM 315 can be part of HDD 320 which is considered to a memory device. See FIGs. 21a-b where it is shown that the left portions 521 and 522 of the HDD gas gauge are independent of the 0-100% of the storage capacity of the HDD 320. Therefore, the visual indication of an amount of available free space, such that the indication is independent of the buffer space is considered to be anticipated by Yap.

Dependent Claims 25-33, 34-35, 37-40 and 42-45

Since these claims incorporate the features discussed above with respect to the respective base claim 24, the same response is deemed applicable to claims 25-33, 34-35, 37-40 and 42-45 which ultimately depend from claims 1 and , respectively. For the additional features recited in dependent claims 25-33, 34-35, 37-40 and 42-45, see Office action presented herein.

Dependent Claims 34, 36 and 41

Since these claims recite similar features of claims 11, 13 and 18, the same response set forth in claims 11, 13 and 18 is deemed applicable to claims 34, 36 and 41.

Dependent Claim 47

The rejection of claim 47 which depends from Claim 1 incorporates the rejection of Claim 1 (as indicated in the OA) which is unpatentable over the modified Yap. Therefore, the rejection of Claim 47 should be listed under the 103(a) section of the OA.

The examiner sincerely apologizes for this inadvertent error.

Independent Claim 46

Since Claim 46 recites, among other things, features of claim 22 ("unaffected by writes to and deletions from the buffer space"), the response set forth in Claim 22 is deemed applicable to Claim 46 regarding these features.

With respect to the feature of "wherein the buffer space, the available free space, and permanently recorded space are located on the hard disk," it is noted that in the response set forth above with respect to Claim 24, the OA considers that buffer space SDRAM 315 can be consolidated into the HDD 320 as discussed in paragraph [0254] and this set-up is shown in FIG. 21a-b where the left portions 521 and 522 can represent the buffer space and the total capacity for recording is shown on the right side (0-100%) of the HDD gas gauge. Therefore, the rejection of Claims 24-45 is applied to Claim 46.

According to the foregoing discussion, the rejection of Claims 1-47 is considered proper and maintained.

Claim Rejections - 35 USC § 103

5.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.　　Claim 1-3 and 5-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0040475 by Yap et al. ("Yap").

It is noted that hereinafter the use of the clause "see at least" should be interpreted that the cited portions/figures that follow the clause are not the only portions/figures or embodiments that are considered to be relevant. Should Applicant find that the cited portions/figures are not relevant, other portions of the disclosure/figures or embodiments of the prior art reference will be provided as additional evidence of and/or context to the relevancy of the previously cited portions/figures as may be necessary. Since the evidence is from the same reference, the introduction of the additional evidence in response to Applicant's arguments should not therefore be construed as that of new grounds of rejection.

Claim 1

Yap discloses *a system* (see at least FIGs. 1-2, 6-9) *for managing the allocation and storage of media content instance files in a hard disk of a storage device coupled to a media client device in a subscriber television system, comprising:*

a memory for storing logic (see at least FIGs. 6, 8-9, HDD 320; it is noted that a hard disk or HDD is commonly known to store executable application programs)*;*

a buffer space in the SDRAM 315 *for buffering media content instances as buffered media content instance files* (see at least FIG. 7, elements 315-16)*;* and

a processor (see at least FIGs. 6, 8-9, element 310) *configured with the logic to track the size of permanent media content instance files and the buffered media content instance files to provide indication of available free space* (see at least FIGs. 21a-e; 22a-c; 23a-c).

Yap does not explicitly disclose that the buffer space is in the hard disk. However, the decision of whether to locate the SDRAM 315 with buffer space 316 inside or separate from the hard disk HDD 320 (e.g., FIGs. 6, 8-9) is a matter of design choice, one of which may be the choice and the advantage of integrating the SDRAM with the HDD to help improve the compactness and reliability of the design.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Yap by integrating the SDRAM with the HDD for the purpose discussed above.

Claim 2

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to provide a user interface, responsive to a user input, wherein the user interface provides the indication of available free space for permanently recording media content instances, wherein the permanently recorded media content instances are configured as the permanently recorded media content instance files* (see at least FIGs. 21a-e; 22a-c; 23a-c; 24).

Claim 3

The rejections of base claim 1 and intervening claim 2 are incorporated. The modified Yap further discloses *wherein the permanently recorded media content instance files can be deleted from the storage device* (FIGs. 24; 30c; 32c).

Claim 4 (previously canceled)

Claim 5

The rejections of base claim 1 and intervening claim 2 are incorporated. The modified Yap further discloses *wherein the permanently recorded media content is from the buffer space* (see at least FIGs. 8-9, 14-15; arrow from SDRAM to HDD).

Claim 6

The rejections of base claim 1 and intervening claim 2 are incorporated. The modified Yap further discloses *wherein the permanently recorded media content is a scheduled recording initially written to non-buffer space* (see at least FIGs. 21a-e).

Claim 7

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the buffer space, the available free space, and permanently recorded space are located on the hard disk* (see at least FIGs. 21a-e).

Claim 8

The modified Yap further discloses *wherein the buffer space and permanently recorded space are allocated from the free space on the hard disk* (see at least FIGs. 21a-e).

Claim 9

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the buffer space and permanently recorded space have physical locations on the hard disk* (see at least FIGs. 21a-e).

Claim 10

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the buffer space and the available free space is measured in units of time* (see at least FIGs. 21d-e).

Claim 11

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the buffer space and the available free space is measured in units of hard disk space* (see at least FIGs. 21a-b).

Claim 12

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to convert analog broadcast media content instances, received at a communications interface, into digitally compressed media content instances stored in a buffer* (see at least [0007]).

Claim 13

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to buffer an analog signal received at a connector from a consumer electronics device, as a digitally compressed media content instance* (see at least [0007]).

Claim 14

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to buffer digital broadcast media content instances, received at a communications interface, as digitally compressed media content instances* (see at least FIG. 6, SDRAM 335).

Claim 15

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to buffer digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances* (see at least FIG. 6, SDRAM 335).

Claim 16

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local network, as digitally compressed media content instances* (see at least [0007], e.g., "received compressed video and audio").

Claim 17

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances* (see at least [0006], e.g., STB connected to a satellite dish).

Claim 18

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is further configured with the logic to determine the available free space after subtracting buffer space capacity from total disk space* (see at least FIG. 21a).

Claim 19

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is configured with the logic to reduce the available free space by the amount of the space used for the permanent media content instance files* (see at least FIG. 21a; the initial free available space 100% is being reduced to 70% by the amount of space used 30%).

Claim 20

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the processor is configured with the logic to increase the available free space by the amount of the space recovered from a deleted permanent media content instance files* (FIGs. 21a-b; FIG. 24, option 545; FIG. 30c; with the erase options in FIGs. 24 and 30c, the logic to calculate the amount of free available space in FIG. 21a will increase the free available space).

Claim 21

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the indication of the free space available is configured in time of space available for the permanent media content instance files* (see at least FIGs. 21c-e; 22a-c; 23a).

Claim 22

The rejection of base claim 1 is incorporated. The modified Yap further discloses *wherein the free space indication is unaffected by writes to and deletions from the buffer space* (see at least FIGs. 8-9; [0176]; [0178]).

Claim 23

Since Claim 23 is an independent claim that is a combination of Claims 1-22, the respective rejections are thus applied.

Claim Rejections – 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form

the basis for the rejection under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in
>
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, or
>
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 24-47 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent

Application Publication No. 2002/0040475 by Yap et al. ("Yap").

> It should be noted that hereinafter the use of the clause "see at least" should be interpreted that the cited portions that follow the clause are not the only portions or descriptions of embodiments that are considered to be relevant. Should Applicant find that the cited portions are not relevant, other portions of the disclosure of the prior art reference will be provided as additional evidence and/or context to the relevancy of the previously cited portions. Since the evidence is from the same reference, the introduction of the additional evidence in response to Applicant's arguments should not therefore be considered to be that of new grounds of rejection.

Claim 24

Yap discloses:

> *buffering media content instances into buffer space of the storage device as buffered media content instance files* (see at least FIGs. 6, 8-9, SDRAM 315; [0176]; [0178]; [0254]);

> *tracking the size of permanent media content instance files* (see at least 21a-e; 22a-c; 23a; 24, items 543, 544) *and buffered media content instance files* (see at least FIGs. 8-9, [0334], e.g., the claimed tracking is interpreted to read on "[w]hen a sufficient amount of programming data has been accumulated in the SDRAM 315, the host processor 310 transfers the data from the SDRAM 315 to the HDD 320 for recording therein"); and

providing an indication of available free space of the storage device such that the
indication is independent of the buffer space (see at least FIGs. 21a-e; it should be noted
that the available free space is of the HDD which is independent of the buffer 315).

Claim 25

The rejection of base claim 24 is incorporated. Since Claim 25 relates to the same
same feature (without the incorporated features of Claim 1) recited in Claim 2, the same portion
of Yap applied in the rejection of claim 2 is deemed applicable to claim 25.

Claim 26

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim
26 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 3,
the same portion of Yap applied in the rejection of claim 3 is deemed applicable to claim 26.

Claim 27

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim
27 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 4,
the same portion of Yap applied in the rejection of claim 4 is deemed applicable to claim 27.

Claim 28

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim
28 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 5,
the same portion of Yap applied in the rejection of claim 5 is deemed applicable to claim 28.

Claim 29

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim
29 recites relates to the same feature (without the incorporated features of Claim 1) recited in
Claim 6, the same portion of Yap applied in the rejection of claim 6 is deemed applicable to
claim 29.

Claim 30

The rejection of base claim 24 is incorporated. Since Claim 30 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 7, the same portion of Yap applied in the rejection of claim 7 is deemed applicable to Claim 30.

Claim 31

The rejection of base claim 24 is incorporated. Since Claim 31 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 8, the same portion of Yap applied in the rejection of claim 8 is deemed applicable to Claim 31.

Claim 32

The rejection of base claim 24 is incorporated. Since Claim 32 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 9, the same portion of Yap applied in the rejection of claim 9 is deemed applicable to Claim 32.

Claim 33

The rejection of base claim 24 is incorporated. Since Claim 33 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 10, the same portion of Yap applied in the rejection of Claim 10 is deemed applicable to Claim 33.

Claim 34

The rejection of base claim 24 is incorporated. Since Claim 34 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 11, the same portion of Yap applied in the rejection of Claim 11 is deemed applicable to Claim 34.

Claim 35

The rejection of base claim 24 is incorporated. Since Claim 35 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 12, the same portion of Yap applied in the rejection of claim 12 is deemed applicable to claim 35.

Claim 36

The rejection of base claim 24 is incorporated. Since Claim 36 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 13, the same portion of Yap applied in the rejection of Claim 13 is deemed applicable to Claim 36.

Claim 37

The rejection of base claim 24 is incorporated. Since Claim 37 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 14, the same portion of Yap applied in the rejection of claim 14 is deemed applicable to Claim 37.

Claim 38

The rejection of base claim 24 is incorporated. Yap further discloses *buffering digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances* (see at least [0006-0007]; FIG. 6, SDRAM 335).

Claim 39

The rejection of base claim 24 is incorporated. Yap further discloses *buffering digital media content instances, received at a digital communications port from a local server, as digitally compressed media content instances* (see at least [0006-0007]; FIG. 6, SDRAM 335).

Claim 40

The rejection of base claim 24 is incorporated. Yap further discloses *buffering digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances* (see at least [0006-0007]; FIG. 6, SDRAM 335).

Claim 41

The rejection of base claim 24 is incorporated. Since Claim 41 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 18, the same portion of Yap applied in the rejection of claim 18 is deemed applicable to Claim 41.

Claim 42

The rejection of base claim 24 is incorporated. Since Claim 42 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 19, the same portion of Yap applied in the rejection of claim 19 is deemed applicable to Claim 42.

Claim 43

The rejection of base claim 24 is incorporated. Since Claim 43 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 20, the same portion of Yap applied in the rejection of claim 20 is deemed applicable to Claim 43.

Claim 44

The rejection of base claim 24 is incorporated. Since Claim 44 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 21, the same portion of Yap applied in the rejection of claim 21 is deemed applicable to Claim 44.

Claim 45

The rejection of base claim 24 is incorporated. Since Claim 45 relates to the same feature (without the incorporated features of Claim 1) recited in Claim 24, the same portion of Yap applied in the rejection of claim 24 is deemed applicable to Claim 45.

Claim 46

Since Claim 46 is an independent claim that is a combination of Claims 24-45, the rejections of these claims are thus applied.

Claim 47

The rejection of base claim 1 is incorporated. Yap does not specifically disclose *wherein the processor is further configured with the logic to provide an indication that insufficient free space is available for a requested recording.* However, the claimed feature is deemed inherent

to the teaching of Yap, which allows the DVR to be set to display the program length and the record time available (see at least FIG. 18, item 530 and FIGs. 23a-c), in the instance when the program length shows 30 minutes and the recording time available shows less than 30 minutes.

Conclusion

9.   **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire
THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

March 9, 2010